

ENTERED

January 22, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

MIGUEL ANGEL GARCIA, *et al.*

§

Plaintiffs

§

VS.

§

CIVIL ACTION NO. 5:18-CV-7
MEMBER CASE NO. 5:18-CV-33

UNITED STATES OF AMERICA

ORDER

Pending are the parties' Stipulations of Dismissal with Prejudice (Dkt. Nos. 52, 53) in these consolidated cases. Parties in a civil suit may generally dismiss the suit without a court order upon the filing of a stipulation of dismissal "signed by all parties who have appeared." FED. R. CIV. P. 41(a)(1)(A)(ii). This general rule is subject to limitations in class action suits, shareholder derivative suits, and suits where the Court has appointed a receiver. FED. R. CIV. P. 41(a). None of those limitations apply here. Thus, because the filings are signed by all parties who have appeared, all of Plaintiffs' claims were dismissed with prejudice "effective upon [the] filing" of the Stipulations of Dismissal. *See SmallBizPros., Inc. v. MacDonald*, 618 F.3d 458, 463 (5th Cir. 2010) ("Because filing a voluntary stipulation of dismissal . . . is effective immediately, any action by the district court after the filing of such a stipulation can have no force or effect because the matter has already been dismissed by the parties themselves without any court action.").

The Clerk of Court is directed to CLOSE both above-captioned cases.

It is so ORDERED.

SIGNED January 21, 2020.



Marina Garcia Marmolejo
United States District Judge